APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,748	10/10/2001	Michael Dean Dallin	BLD920010017US1	7134

			EXAMINER
23550	7590	10/06/2004	MASKULINSKI, MICHAEL C

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ART UNIT	PAPER NUMBER
2113	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*10 October 2001*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
     closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>*10 October 2001*</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892) *

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date <u>*10/10/01*</u>.₃

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

Non-Final Office Action

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-5, 8, 10-20, and 23-27 are rejected under 35 U.S.C. 102(b) as being

anticipated by Smith, Jr., U.S. Patent 5,754,755.

Referring to claims 1 and 10:

a.   In column 2, lines 28-30, Smith, Jr. discloses that an output file generator

receives an indication of a test template file that has test instructions that contain

placeholders (providing a predefined template).

b.   In column 2, lines 32-34, Smith, Jr. discloses that the output file generator

receives an ordered list of customizing files that have application-specific

placeholder values (providing a table having test data for the software product).

c.   In column 2, lines 34-42, Smith, Jr. discloses that if a test instruction

contains a placeholder, then the output file generator searches the customizing

files according to the ordered list for a first placeholder value for the placeholder

of the test instruction. When such a placeholder value is found, the output file

generator inserts the placeholder value into the test instruction. The output file

generator then stores the test instruction into the application-specific test script

(running a test generation system with the template to process the test data and to automatically generate a test script file).

d.   In column 2, lines 42-44, Smith, Jr. discloses that after the generating is complete, this application-specific test script can then be used to test the application (running the software product while using the generated test script file to test the software product).

Referring to claim 2, in column 2, lines 34-42, Smith, Jr. discloses that if a test instruction contains a placeholder, then the output file generator searches the customizing files according to the ordered list for a first placeholder value for the placeholder of the test instruction. When such a placeholder value is found, the output file generator inserts the placeholder value into the test instruction. The output file generator then stores the test instruction into the application-specific test script (the test script file contains at least one test case generated based upon the test data and the template).

Referring to claim 3, in column 4, lines 43-45, Smith, Jr. discloses that the test template file contains a file type indicator, common macro instructions (a type template having at least one macro), control commands, and placeholders (wherein the type template provides a key for the test generation system to generate the at least one test case based upon the test data).

Referring to claims 4, 13, 20, and 27, in column 4, lines 43-45, Smith, Jr. discloses that the test template file contains a file type indicator, common macro, control

commands, and placeholders (an output template, wherein the output template has at least one macro and dictates a format of the generated test script file).

Referring to claims 5, 14, 18, and 25, in column 3, lines 5-28, Smith, Jr. discloses a control command and instruction (an actor and a test step) and Smith, Jr. discloses a placeholder (a starting point).

Referring to claim 8, in Figure 1, Smith, Jr. discloses that the test generation system and the software product reside on different systems.

Referring to claims 11 and 26, in column 4, lines 43-45, Smith, Jr. discloses that the test template file contains a file type indicator, common macro instructions, control commands, and placeholders (a type template that provides a key for the test generation system to generate the at least one test case based upon the test data).

Referring to claim 12, in column 4, lines 43-45, Smith, Jr. discloses that the test template file contains a file type indicator, common macro instructions (the type template includes at least one macro), control commands, and placeholders.

Referring to claim 15, in column 2, lines 34-42, Smith, Jr. discloses that if a test instruction contains a placeholder, then the output file generator searches the customizing files according to the ordered list for a first placeholder value for the placeholder of the test instruction. When such a placeholder value is found, the output file generator inserts the placeholder value into the test instruction. The output file generator then stores the test instruction into the application-specific test script (the test script file includes at least one test case automatically generated by the test generation system based upon the test data).

Referring to claim 16:

a.   In column 2, lines 28-30, Smith, Jr. discloses that an output file generator receives an indication of a test template file that has test instructions that contain placeholders (entering a predefined type template into a test generation system).

b.   In column 4, lines 56-65, Smith, Jr. discloses a template with control commands (entering a predefined output template into the test generation system).

c.   In column 2, lines 32-34, Smith, Jr. discloses that the output file generator receives an ordered list of customizing files that have application-specific placeholder values (entering a table having test data for the software product into the test generation system).

d.   In column 2, lines 34-42, Smith, Jr. discloses that if a test instruction contains a placeholder, then the output file generator searches the customizing files according to the ordered list for a first placeholder value for the placeholder of the test instruction. When such a placeholder value is found, the output file generator inserts the placeholder value into the test instruction. The output file generator then stores the test instruction into the application-specific test script (running the test generation system with the type template and the output template on a first computer system to process the test data to automatically generate an executable test script file).

e.   In column 2, lines 42-44 and in Figure 1, Smith, Jr. discloses that after the generating is complete, this application-specific test script can then be used to

test the application (running the software product on a second computer while

using an automation tool to run the executable test script file to test the software

product).

Referring to claim 17:

a.   In column 2, lines 28-30, Smith, Jr. discloses that an output file generator

receives an indication of a test template file that has test instructions that contain

placeholders. In column 4, lines 56-65, Smith, Jr. discloses a template with

control commands. In column 2, lines 32-34, Smith, Jr. discloses that the output

file generator receives an ordered list of customizing files that have application-

specific placeholder values (an input system for receiving a type template, an

output template, and a table having test data for the software product).

b.   In column 2, lines 34-42, Smith, Jr. discloses that if a test instruction

contains a placeholder, then the output file generator searches the customizing

files according to the ordered list for a first placeholder value for the placeholder

of the test instruction. When such a placeholder value is found, the output file

generator inserts the placeholder value into the test instruction. The output file

generator then stores the test instruction into the application-specific test script.

In column 2, lines 42-44 and in Figure 1, Smith, Jr. discloses that after the

generating is complete, this application-specific test script can then be used to

test the application (a process system for processing the test data to

automatically generate a test script file based upon the type template and the

output template, wherein the generated test script file is used to test the software product).

Referring to claim 19, in column 4, lines 43-45, Smith, Jr. discloses that the test template file contains a file type indicator, common macro instructions, control commands, and placeholders (the type template provides a key for generating the test script file based upon the test data). Further, in column 3, lines 5-28, Smith, Jr. teaches that the tests script file includes at least one test case.

Referring to claim 23:

a. In Figure 1, Smith, Jr. discloses a test generation system stored on a first computer system.

b. In column 2, lines 28-30, Smith, Jr. discloses that an output file generator receives an indication of a test template file that has test instructions that contain placeholders. In column 4, lines 56-65, Smith, Jr. discloses a template with control commands. In column 2, lines 32-34, Smith, Jr. discloses that the output file generator receives an ordered list of customizing files that have application-specific placeholder values (means for receiving a type template, an output template, and a table having test data for the software product).

c. In column 2, lines 34-42, Smith, Jr. discloses that if a test instruction contains a placeholder, then the output file generator searches the customizing files according to the ordered list for a first placeholder value for the placeholder of the test instruction. When such a placeholder value is found, the output file generator inserts the placeholder value into the test instruction. The output file

generator then stores the test instruction into the application-specific test script.
In column 2, lines 42-44 and in Figure 1, Smith, Jr. discloses that after the
generating is complete, this application-specific test script can then be used to
test the application (means for processing the test data, based upon the type
template and the output template, to automatically generate an executable test
script file having at least one test case).

f.   In Figure 1, Smith, Jr. discloses a means for outputting the executable test
script file.

g.   In column 2, lines 42-44 and in Figure 1, Smith, Jr. discloses that after the
generating is complete, this application-specific test script can then be used to
test the application (an automation toll for running the executable test script file to
test the software product, wherein the software product is stored on a second
computer system).

Referring to claim 24:

a.   In column 4, lines 40-41, Smith, Jr. discloses that the output file generator
may be stored as instructions on a computer-readable medium such as a disk (a
program product, stored on a recordable medium, for testing a software product).

b.   In column 2, lines 28-30, Smith, Jr. discloses that an output file generator
receives an indication of a test template file that has test instructions that contain
placeholders. In column 4, lines 56-65, Smith, Jr. discloses a template with
control commands. In column 2, lines 32-34, Smith, Jr. discloses that the output
file generator receives an ordered list of customizing files that have application-

specific placeholder values (an input system for receiving a type template, an output template, and a table having test data for the software product).

c.   In column 2, lines 34-42, Smith, Jr. discloses that if a test instruction contains a placeholder, then the output file generator searches the customizing files according to the ordered list for a first placeholder value for the placeholder of the test instruction. When such a placeholder value is found, the output file generator inserts the placeholder value into the test instruction. The output file generator then stores the test instruction into the application-specific test script. In column 2, lines 42-44 and in Figure 1, Smith, Jr. discloses that after the generating is complete, this application-specific test script can then be used to test the application (a process system for processing the test data to automatically generate a test script file based upon the type template and the output template, wherein the generated test script file is used to test the software product).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 6, 7, 9, 21, 22, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, Jr., U.S. Patent 5,754,755.

Referring to claims 6, 21, and 28, in column 2, lines 42-44, Smith, Jr. discloses that the application-specific test script can be used to test the application. However, Smith, Jr. doesn't explicitly disclose automatically running the test script with an automation tool. In column 1, lines 23-25, Smith, Jr. discloses in the Background of the Invention that some conventional testing procedures involve first manually writing a test script and then using that test script to automatically test the application program. It would have been obvious to one of ordinary skill at the time of the invention to include the automatic testing of the application program into the system of Smith, Jr. A person of ordinary skill in the art would have been motivated to make the modification *because of the importance of thorough testing and because such testing can be very time-consuming, the application developers have developed extensive automated testing procedures* (see Smith, Jr.: column 1, lines 17-21).

Referring to claims 7, 22, and 29, in column 2, lines 42-44, Smith, Jr. discloses that the application-specific test script can be used to test the application. However, Smith, Jr. doesn't explicitly disclose automatically running the test script manually by a user. The Examiner takes Official Notice that in the art of software testing it is well known to use a stepping procedure to step through a program in order to debug a program. This is done manually by a user. It would have been obvious to one of ordinary skill at the time of the invention to include the manual testing of the application program into the system of Smith, Jr. A person of ordinary skill in the art would have been motivated to make the modification because manually stepping through a

program's instructions allows a user to find specific lines of code that caused the

problem.

Referring to claim 9, in column 4, lines 40-41, Smith, Jr. discloses that the output

file generator may be stored as instructions on a computer-readable medium such as a

disk. However, Smith, Jr. discloses that the test generation system and the software

product reside on the same computer system. It would have been obvious to one of

ordinary skill at the time of the invention to use the disk to install the output file

generator instructions onto the same computer system that the software product resides

on. A person of ordinary skill in the art would have been motivated to make the

modification because the whole point of storing instructions on a disk is so that it can be

run and stored anywhere.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

US 2004/0078684 A1	Friedman et al.
US 2003/0028856 A1	Apuzzo et al.
US 2002/0029377 A1	Pavela
U.S. Patent 6,775,824 B1	Osborne, II et al.
U.S. Patent 6,490,695 B1	Zagorski et al.
U.S. Patent 6,112,312	Parker et al.
U.S. Patent 5,758,061	Plum

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael C Maskulinski whose telephone number is (703)

308-6674. After October 15, 2004, the examiner can be reached at telephone number:

(571) 272-3649. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert W Beausoliel can be reached on (703) 305-9713. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

MM

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